

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79375 of 2019

Arising Out of PS. Case No.-374 Year-2019 Thana- BAHERA District- Darbhanga

Sharwan Mishra @ Shrawan Kumar Mishra Son of Gopal Mishra Resident of
Village - Mahinam, P.S. - Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Girish Chandra Jha, Advocate Mr. Ashish, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-03-2020 The petitioner, who is in custody since 06.09.2019, seeks bail in connection with Bahera P.S. Case No. 374 of 2019 dated 06.08.2019 instituted for the offences under Sections 376, 341, 323, 504 and 34 of the Indian Penal Code.

Though the petitioner is said to have subjected the prosecutrix to rape but the learned counsel for the petitioner has drawn the attention of this Court to the fact that according to the own showing of the prosecutrix, the occurrence took place on 04.08.2019 but the report regarding the same has been lodged on 06.08.2019. The explanation given in the FIR regarding the delay in lodging of the FIR, it has been argued, is unacceptable.



Apart from this, it has been pointed out on behalf of the petitioner that the injury report does not reflect any forcible attack on the prosecutrix. The prosecutrix happens to be the neighbour of the petitioner and one of the neighbours, a medical shop owner who has been examined by the police has stated clearly that no such occurrence ever took place. That apart, it does not appear from the FIR whether the prosecutrix was alone at the time when she was bodily lifted and taken to another place viz. a godown where she was allegedly ravished.

Considering the aforementioned aspects of the matter, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 374 of 2019.

(Ashutosh Kumar, J)

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